

# **HABITUAL OFFENDER PETITION TO RESTORE DRIVING PRIVILEGES**

## **LOUDOUN CIRCUIT COURT**

### **REQUIRED FORMS:**

- Original Petition for Habitual Offender CC-1465(B)
- Order for Habitual Offender CC-1465(D)
- Civil Action Cover Sheet CC-1416
- Original DMV transcript & compliance summary
- Two additional copies of the completed Petition and two copies of the DMV transcript & compliance summary

The copies will be used for the following:

A copy of the petition shall be served on the Commonwealth Attorney and the Department of Motor Vehicles. The Commonwealth may file an objection or answer to the petition within twenty-one (21) days after it is served.

### **FILING FEE: \$108.00** *(Includes service fees)*

Fees must be paid by cash, certified check, money order or personal check *(no starter checks will be accepted)* made payable to Clerk of Circuit Court.

### **FILINGS MAY BE SUBMITTED IN PERSON OR BY MAIL:**

In person bring your completed paperwork and filing fee to the 3rd floor Civil Division window of the Circuit Court during normal business hours. Or send your completed paperwork, copies and filing fee to:

Send via U.S. Postal Service:  
Loudoun Circuit Court  
Attn: New Case Filings  
P.O. Box 550  
Leesburg, VA 20178

Send via FedEx, UPS, etc.  
Loudoun Circuit Court  
Attn: New Case Filings  
18 East Market Street  
Leesburg, VA 20176

The case will be assigned a Civil Action case number. This is a number by which the court references your case and must appear on any future documents regarding your Petition.

### **SETTING OF HEARING DATE:**

Hearing dates in Loudoun County for restoration of driving privileges are set on the Circuit Court Misdemeanor Appeals Day every second Friday of the month at 1:00 p.m. When you file your case with the Circuit Court you will be given a hearing date and time that will be noted at the top right-hand corner of the petition.

If you are required to participate in the Alcohol Safety Action Program (ASAP) you must have your evaluation completed prior to your hearing date.

**You must appear in Court on the date that your case is set to be heard.**

# **VIRGINIA**

## **Alcohol Safety Action Program**

**Bull Run ASAP Information Sheet**  
**Kimball T. Peel, Director**

9108-D Manassas Drive  
Manassas Park, Virginia

Phone: (703) 369-7979  
Fax: (703) 369-5011

9 Loudoun Street, S.E.  
Leesburg, Virginia 20175

Phone: (703) 771-4702  
Fax: (703) 771-4713

### **\*\*Habitual Offender Restoration Evaluations\*\***

A fee of \$ 225.00 payable in advance is charged for the evaluation.

Payment by cash, check or money order is acceptable and may be delivered to either office.

Once payment is made the Offender must call the Manassas Office at (703) 369-7979 for an evaluation appointment.

The Offender may request the evaluation to take place in either the Manassas or Leesburg office.

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### **OTHER PROGRAMS OFFERED**

Basic Alcohol Education  
Young Offender Alcohol/Drug Education  
Suspended Driver Intervention  
Alcohol/Drugs/Driver Risk Evaluations (Pre-Court)  
Probation/Case Review Monitoring  
Driver Improvement Program – Virginia DMV Certified  
Intensive Alcohol Education  
In-House Drug Tests  
Comprehensive Drug Tests  
Ignition Interlock Monitoring

**Bull Run ASAP serves the area(s) of:**

**Counties of:** Loudoun and Prince William

**Cities of:** Manassas and Manassas Park

**Towns of:** Leesburg, Middleburg, Purcellville, Haymarket, Dumfries, Occoquan and Quantico

# COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. ....

(CLERK'S OFFICE USE ONLY)

..... Circuit Court

..... v./In re: .....

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☐ attorney for ☐ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

## GENERAL CIVIL

### Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
  - ☐ Monetary Damages
  - ☐ No Monetary Damages
- ☐ Counterclaim
  - ☐ Monetary Damages
  - ☐ No Monetary Damages
- ☐ Cross Claim
- ☐ Interpleader
- ☐ Reinstatement (other than divorce or driving privileges)
- ☐ Removal of Case to Federal Court

### Business & Contract

- ☐ Attachment
- ☐ Confessed Judgment
- ☐ Contract Action
- ☐ Contract Specific Performance
- ☐ Detinue
- ☐ Garnishment

### Property

- ☐ Annexation
- ☐ Condemnation
- ☐ Ejectment
- ☐ Encumber/Sell Real Estate
- ☐ Enforce Vendor's Lien
- ☐ Escheatment
- ☐ Establish Boundaries
- ☐ Landlord/Tenant
  - ☐ Unlawful Detainer
- ☐ Mechanics Lien
- ☐ Partition
- ☐ Quiet Title
- ☐ Termination of Mineral Rights

### Tort

- ☐ Asbestos Litigation
- ☐ Compromise Settlement
- ☐ Intentional Tort
- ☐ Medical Malpractice
- ☐ Motor Vehicle Tort
- ☐ Product Liability
- ☐ Wrongful Death
- ☐ Other General Tort Liability

## ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
  - ☐ ABC Board
  - ☐ Board of Zoning
  - ☐ Compensation Board
  - ☐ DMV License Suspension
  - ☐ Employee Grievance Decision
  - ☐ Employment Commission
  - ☐ Local Government
  - ☐ Marine Resources Commission
  - ☐ School Board
  - ☐ Voter Registration
  - ☐ Other Administrative Appeal

## DOMESTIC/FAMILY

- ☐ Adoption
  - ☐ Adoption – Foreign
- ☐ Adult Protection
- ☐ Annulment
  - ☐ Annulment – Counterclaim/Responsive Pleading
- ☐ Child Abuse and Neglect – Unfounded Complaint
- ☐ Civil Contempt
- ☐ Divorce (select one)
  - ☐ Complaint – Contested\*
  - ☐ Complaint – Uncontested\*
  - ☐ Counterclaim/Responsive Pleading
  - ☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution
- ☐ Separate Maintenance
  - ☐ Separate Maintenance Counterclaim

## WRITS

- ☐ Certiorari
- ☐ Habeas Corpus
- ☐ Mandamus
- ☐ Prohibition
- ☐ Quo Warranto

## PROBATE/WILLS AND TRUSTS

- ☐ Accounting
- ☐ Aid and Guidance
- ☐ Appointment (select one)
  - ☐ Guardian/Conservator
  - ☐ Standby Guardian/Conservator
- ☐ Trust (select one)
  - ☐ Impress/Declare
  - ☐ Reformation
- ☐ Will (select one)
  - ☐ Construe
  - ☐ Contested

## MISCELLANEOUS

- ☐ Appointment (select one)
  - ☐ Church Trustee
  - ☐ Conservator of Peace
  - ☐ Marriage Celebrant
- ☐ Bond Forfeiture Appeal
- ☐ Declaratory Judgment
- ☐ Declare Death
- ☐ Driving Privileges (select one)
  - ☐ Reinstatement pursuant to § 46.2-427
  - ☐ Restoration – Habitual Offender or 3<sup>rd</sup> Offense
- ☐ Expungement
- ☐ Firearms Rights – Restoration
- ☐ Forfeiture of U.S. Currency
- ☐ Freedom of Information
- ☐ Injunction
- ☐ Interdiction
- ☐ Interrogatory
- ☐ Judgment Lien-Bill to Enforce
- ☐ Law Enforcement/Public Official Petition
- ☐ Name Change
- ☐ Referendum Elections
- ☐ Sever Order
- ☐ Taxes (select one)
  - ☐ Correct Erroneous State/Local
  - ☐ Delinquent
- ☐ Vehicle Confiscation
- ☐ Voting Rights – Restoration
- ☐ Other (please specify) .....

☐ Damages in the amount of \$ ..... are claimed.

DATE

[ ] PLAINTIFF [ ] DEFENDANT [ ] ATTORNEY FOR [ ] PLAINTIFF  
[ ] DEFENDANT

PRINT NAME

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

\*“Contested” divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An “Uncontested” divorce is filed on no fault grounds and none of the above issues are in dispute.

PETITION FOR RESTORATION OF DRIVING  
PRIVILEGE - HABITUAL OFFENDER  
COMMONWEALTH OF VIRGINIA

Case No. \_\_\_\_\_

HEARING DATE AND TIME \_\_\_\_\_

\_\_\_\_\_  
CITY OR COUNTY

Circuit Court \_\_\_\_\_

\_\_\_\_\_  
PETITIONER'S NAME

\_\_\_\_\_  
ADDRESS

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		Mo.	DAY	YR.	FT.	IN.			
SSN _____									
VA. D.L. # (IF DIFFERENT FROM SSN) _____									

**TO THE JUDGE OF THE ABOVE-NAMED COURT:**

I respectfully represent that on \_\_\_\_\_, I was adjudged/determined to be an habitual offender by  
DATE

the \_\_\_\_\_ Court, the Department of Motor Vehicles,  
based on the following convictions which brought me within the definition of "habitual offender":

OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT
OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT
OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT

I have attached a certified "Habitual Offender Restoration Transcript" of my driving record from the Department of Motor Vehicles.

**CHECK ONE BOX AS THE BASIS OF YOUR PETITION:**

A. Restoration under Va. Code § 46.2-360(l). (Eligibility only after five (5) years from the date of your adjudication or determination unless you are entitled to credit under subsection (iii) below.) I have been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

- (i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) At least five years have passed from the date on which I was adjudged/determined to be an habitual offender.  
[For the purposes of determining eligibility under this section, I rely on a period of credit for an administrative suspension by the Department of Motor Vehicles pursuant to Va. Code § 46.2-391(B) (for third offense drunk driving) prior to my adjudication/determination.

Yes No if yes, period of suspension under § 46.2-391(B):

\_\_\_\_\_ to \_\_\_\_\_ ]; and

- (iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth upon my evaluation by the Virginia Alcohol Safety Action Program.

B. Restricted License under Va. Code § 46.2-360(2). (Eligibility only after three (3) years from the date of your adjudication or determination - unless you are entitled to credit under (iii) below.) I have been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

- (i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) At least *three* years have passed from the date on which I was adjudged/determined to be an habitual offender [For the purposes of determining eligibility under this section, I rely on a period of credit for administrative suspension by the Department of Motor Vehicles pursuant to Va. Code § 46.2-391(B) (for third offense drunk driving) prior to my adjudication/determination:

Yes      No if yes, period of suspension:

\_\_\_\_\_ to \_\_\_\_\_]; and

- (iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court order the issuance of a restricted license to allow me to drive to and from work and during the course of my employment, upon evaluation by the Virginia Alcohol Safety Action Program.

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NAME AND ADDRESS OF EMPLOYER

DAYS AND HOURS WORKED

C. Restoration under Va. Code § 46.2-361(A). (Eligibility only after three (3) years from the adjudication/ determination and after all fines, court costs, forfeitures, restitution, penalties and/or judgments have been paid in full.) I have been adjudged/determined to be an habitual offender and such adjudication/determination was not based on any drunk driving conviction(s), but was based *in part* and dependent upon a conviction(s) of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment.

I attach proof that all fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full, and I attach proof of financial responsibility.

I represent that:

- (i) At least *three* years have passed since the date of my adjudication/determination as an habitual offender.
- (ii) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

D. Restoration under Va. Code § 46.2-361(B). (Immediate eligibility after all fines, court costs, forfeitures, restitutions, penalties and/or judgments have been paid.) I have been adjudged/determined to be an habitual offender based *entirely* upon convictions of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment.

I attach proof that all fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full, and I attach proof of financial responsibility.

I represent that I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

E. Restoration under Va. Code § 46.2-359. (Eligibility upon reaching eighteen years of age.) I have been adjudged/determined to be an habitual offender based in whole or in part on findings of not innocent while I was a juvenile. I am now eighteen years of age or older. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

F. Restoration under Va. Code § 46.2-358. (Eligibility after five (5) years from the adjudication/determination where adjudication/determination was based on no drunk driving conditions.) I have been adjudged/determined to be an habitual offender and none of the convictions which brought me within the definition of "habitual offender" were for drunk driving and at least *five* years have now passed since the date of such adjudication/determination. I represent that I do not constitute a threat to the safety and welfare of myself or others with regard to the driving of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

I request that the Court hold a hearing on my petition not less than thirty (30) days from the date that the petition is served on the Commonwealth's Attorney and the Commissioner of the Department of Motor Vehicles.

I understand that the Commonwealth's Attorney or the Commissioner of the Department of Motor Vehicles may object to my petition and the Court may deny my request to restore my privilege to operate a motor vehicle in the Commonwealth, may deny the issuance of a restricted driver's license or may place conditions on my privilege to operate a motor vehicle.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

RETURN - COMMONWEALTH'S ATTORNEY	
SERVED ON _____	NAME
_____	DATE
_____	SERVING OFFICER
FOR _____	

RETURN - COMMISSIONER OF DMV:	
SERVED ON _____	NAME
_____	DATE
_____	SERVING OFFICER
FOR _____	

**ORDER RESTORING DRIVING PRIVILEGE —  
HABITUAL OFFENDER**

VA. Code §§ 46.2-358; 46.2-359; 46.2-360; 46.2-361

Commonwealth of Virginia

Case No \_\_\_\_\_

..... Circuit Court  
CITY OR COUNTY

.....  
PETITIONER'S NAME

.....  
ADDRESS

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR
SSN									
VA. D.L. # (IF DIFFERENT FROM SSN)									

**ON THE PETITION FOR RESTORATION OF DRIVING PRIVILEGE, AND ON THE  
EVIDENCE HEARD, INCLUDING THE EVALUATION OF THE VIRGINIA ALCOHOL  
SAFETY ACTION PROGRAM, IF APPLICABLE, THE COURT FINDS THAT:**

The Petitioner was adjudged/determined to be an habitual offender by

[ ] the ..... Court

[ ] Department of Motor Vehicles on .....

DATE

**AND THAT:**

[ ] **IA.** (Va. Code § 46.2-360(1)) The Petitioner has been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:

- (i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) *Five* years have passed from the date on which Petitioner was adjudged/determined to be an habitual offender

A period of credit is included for administrative suspension by the Department of Motor Vehicles pursuant to Virginia Code § 46.2-391(B) (for third offense drunk driving) prior to adjudication/determination.

[ ] Yes [ ] No if yes, period of suspension under § 46.2-391(B):

..... to ..... ]; and

- (iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle; and
- (v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

[ **JB.** (Va. Code § 46.2-360(2)) The Petitioner has been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:

- (i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) *Three* years have passed from the date on which Petitioner was adjudicated/determined to be an habitual offender

A period of credit is included for administrative suspension by the Department of Motor Vehicles pursuant to Virginia Code § 46.2-391(B) (for third offense drunk driving) prior to adjudication/determination

[ ]Yes [ ]No if yes, period of suspension:

..... to ..... ; and

- (iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.
- (v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

[ **JC.** (Virginia Code § 46.2-361(A)) The Petitioner has been adjudged/determined to be an habitual offender and such adjudication/determination was not based on any drunk driving conviction(s), but was *based in part* and dependent upon convictions of driving while his license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines and costs; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment; and

- (i) All fines, costs and/or judgments have been paid in full; and
- (ii) Petitioner has demonstrated proof of financial responsibility; and
- (iii) *Three* years have passed since the date of Petitioner's adjudication/determination to be an habitual offender; and
- (iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.

[ **JD.** (Virginia Code § 46.2-361(B)) The Petitioner has been adjudged/determined to be an habitual offender *based entirely* upon convictions of driving while his license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines and costs; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment; and

- (i) All fines, costs and/or judgments have been paid in full; and
- (ii) Petitioner has demonstrated proof of financial responsibility; and
- (iii) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.



☐ **JE.** (Virginia Code § 46.2-359) The Petitioner has been adjudged/determined to be an habitual offender in whole or in part based on findings of not innocent while Petitioner was a juvenile, and Petitioner is now eighteen years of age or older.

☐ **JE.** (Virginia Code § 46.2-358) The Petitioner has been adjudged/determined to be an habitual offender and such adjudication/determination was based on no drunk driving convictions, and five years have passed since the date of such adjudication/determination, and Petitioner does not constitute a threat to the safety and welfare of himself or others with regard to the operation of a motor vehicle.

☐ **JG.** The Petitioner has not demonstrated sufficient evidence to support the granting of his petition to have his privilege to drive in the Commonwealth restored.

**IT IS THEREFORE ORDERED THAT:**

☐ Petitioner's privilege to drive a motor vehicle in the Commonwealth is restored under the Habitual Offender Act subject to any other requirements for restoration under other provisions of law.

☐ Petitioner's privilege to drive a motor vehicle in the Commonwealth is restored subject to the following special conditions: .....

.....

☐ Petitioner is granted a restricted license to drive a motor vehicle in the Commonwealth, until ....., for the purposes enumerated in the restricted driver's license, during which time he shall be subject to the supervision of the Virginia Alcohol Safety Action Program.

☐ Travel to/from work

☐ Travel to/from VASAP

☐ Travel during work

☐ Travel to/from school

☐ Medically necessary travel

☐ Ignition interlock

☐ The petition to restore driving privileges in the Commonwealth of Virginia is denied.

.....  
DATE

\_\_\_\_\_  
JUDGE

I ask for this:

.....  
DATE

\_\_\_\_\_  
PETITIONER